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TECHNOLOGY CENTER 3600

In re Application of : DECISION ON
Mark P. Goldenfield et al : PETITION UNDER
Application No. 10/657,025 : 37 C.F.R. 1.181
Filed: September 5, 2003 :
For: NUCLEAR REACTOR FUEL ASSEMBLIES

This is a decision on applicant's petition under 37 CFR 1.181 filed September 19, 2005 requesting the objections to the drawing by the examiner under 37 CFR 1.83(a) and the claim rejections under 35 USC 112, first and second paragraph of the 7/19/2005 Office action be set aside.

The Petition is **GRANTED-IN-PART**.

With regard to the petition to set aside the 35 USC 112, first and second paragraph rejections of the 7/19/05 Office action these matters are appealable and therefore not petitionable. Therefore the petition with regard to the 112, first and second paragraph rejections is **DISMISSED**.

Applicant argues in the petition that patent drawings need not drawn to scale/proportion as long as the specification adequately discloses the invention. Applicant sets forth that the objection to the drawings defining the contact area of the dimples/springs of the auxiliary grid should be withdrawn. Applicant cites the specification (page 11, lines 6+) in conjunction with the drawing (figure 6) that provides support for the claimed contact area. This argument is persuasive. However, it is noted that the following corrections in the specification and figures are required to support applicant's arguments and are required for clarity:

(1) Applicant proposed the following amendment to the specification in the 9/24/04 response by applicant.

Pages 11-12 of the specification, first full paragraph (lines 19-21 of said paragraph) were amended as follows:

"The contact lengths for the vertical springs and dimples on the auxiliary grids are 2.54 cm as compared to a corresponding contact length of .5 cm on the main support grids."

Applicant on 2/25/05 amended pages 11-12 of the specification, first full paragraph again, but the change above was never carried forward in subsequent amendment to the specification. The amendment should be resubmitted and entered.

(2) Figure 5 should be labeled as "Prior Art". As admitted by applicant page 4 of the petition figure 5 shows a prior art spring. The specification further sets forth figure 5 as being conventional. Accordingly, figure 5 should be labeled as "Prior Art".

(3) Upon correction of issues (1) and (2) above amended figure 6 will be entered.

SUMMARY: The petition to withdraw the objection to the drawing correction raised by the examiner is GRANTED. The petition to withdraw the 112, first and second paragraph rejections is DISMISSED.

The examiner is directed to act on the amendment dated 12/5/05.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at (571) 272-6878.



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jwk/kjd: 1/9/05

